

IDEA's Equitable Services Set-Aside

1

FUNDING SPECIAL EDUCATION FOR PARENTALLY PLACED PRIVATE SCHOOL CHILDREN

Entitlement funds under IDEA are awarded on a non-competitive basis for programs and services to students with disabilities

Preschool (PS)

Provides funds for special education services to children ages 3 to 5

Flow-through (FT)

Provides funds for special education services to children ages 3 to 21

Types of IDEA Entitlement Grants

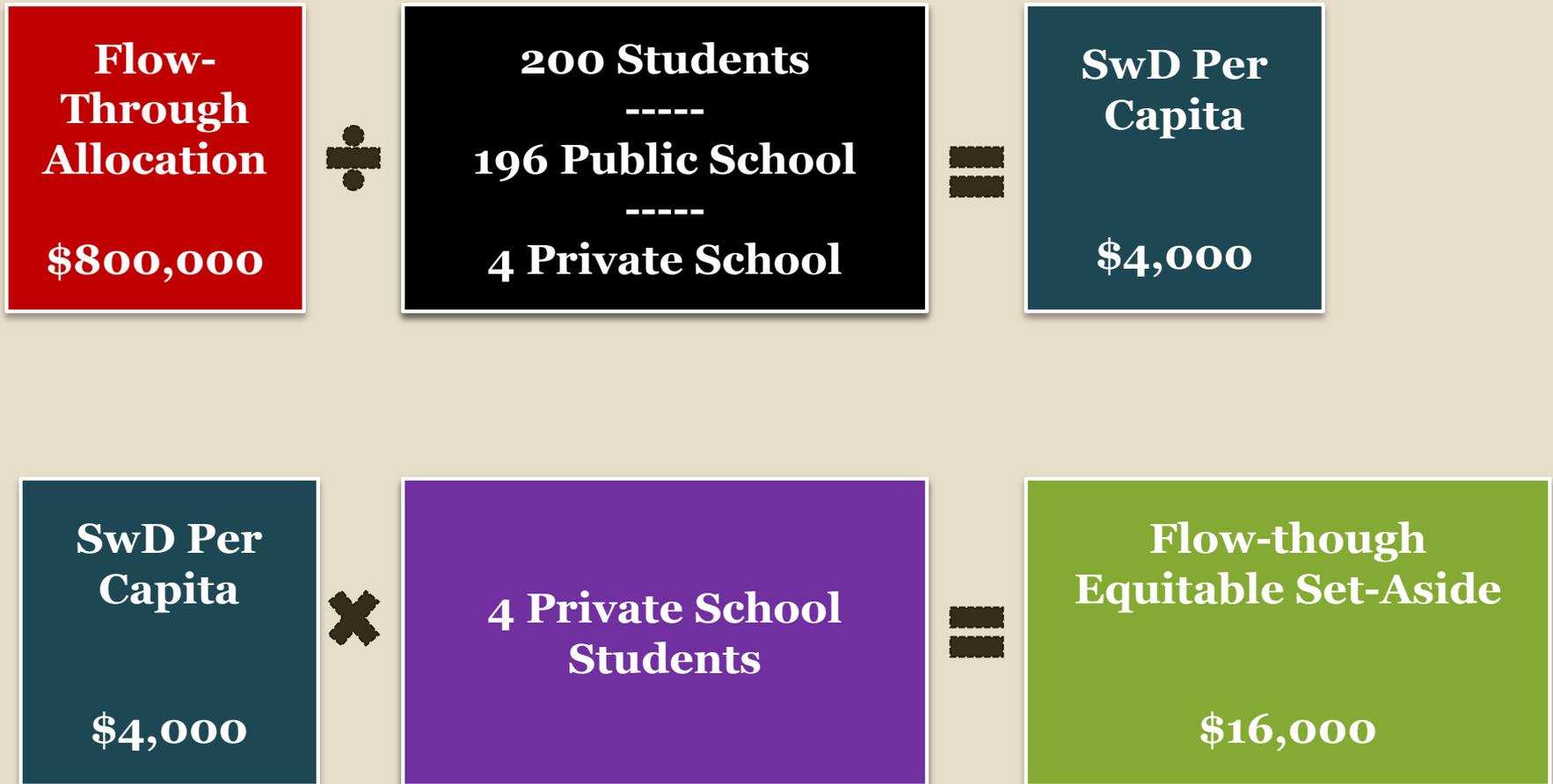
Equitable Services Set-Aside Regulations

3

- Children With Disabilities Enrolled by Their Parents in Private Schools (34 CFR § 300.130 through 300.148)
- Definition of a private school: Wisconsin statute § 118.165
 - Not home schooled children
- Applicable *only* to children placed in private schools by their parents

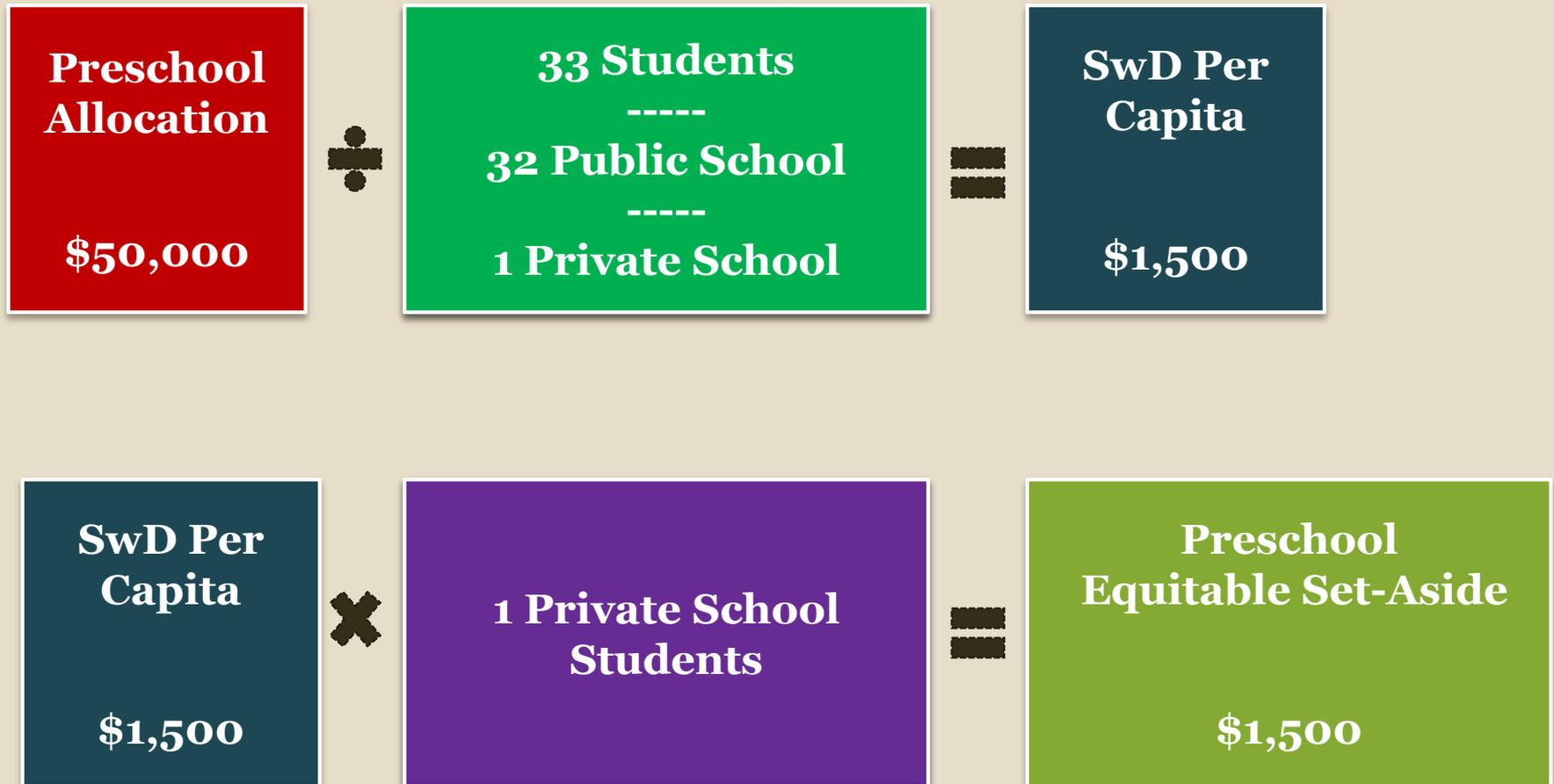
Proportionate Share Calculation – Flow-through

4



Proportionate Share Calculation – Preschool

5





Allocation

- Only the fiscal year allocation – carryover from a prior year is not included



**LEA SwD
(Flow-
Through)**

- Count all student *eligible* for special education services, ages 3 to 21
- October 1 of the prior fiscal year



**LEA SwD
(Preschool)**

- Include *eligible* students 3 to 5 again
- October 1 of the prior fiscal year



Private School Count

- Private schools located in the LEA's jurisdiction
- Include students with disabilities even if not receiving services
- WI statute does not include an elementary grade for 3-year-olds

Private School Student Count

Student belongs to the LEA where the student's private school is located.

Jill resides in Lanesboro, Iowa

Jill attends a private school located in the Belleville (WI) District

Belleville (WI) counts Jill in its equitable services calculation

Calculator Demonstration

9

Obligation Period

10

- A set-aside is determined each fiscal year
- Two years to spend a single year's set-aside

Set-Aside determined July 1, 2014

Total amount expended by June 30, 2015

- ✦ 2014-2015 – YEAR 1
- ✦ 2015-2016 – YEAR 2

Obligation Period

11

- An LEA has 27 months to spend a single year's allocation (Tydings Period)
- Equitable services requires a 24 month spending period
- Funds not expended at the close of the 24 month period may be used at the LEA's discretion
 - Only if the LEA is meeting all equitable services requirements
 - <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C1%2C> (OSEP Guidance, H-5)

Unobligated Funds Example

12

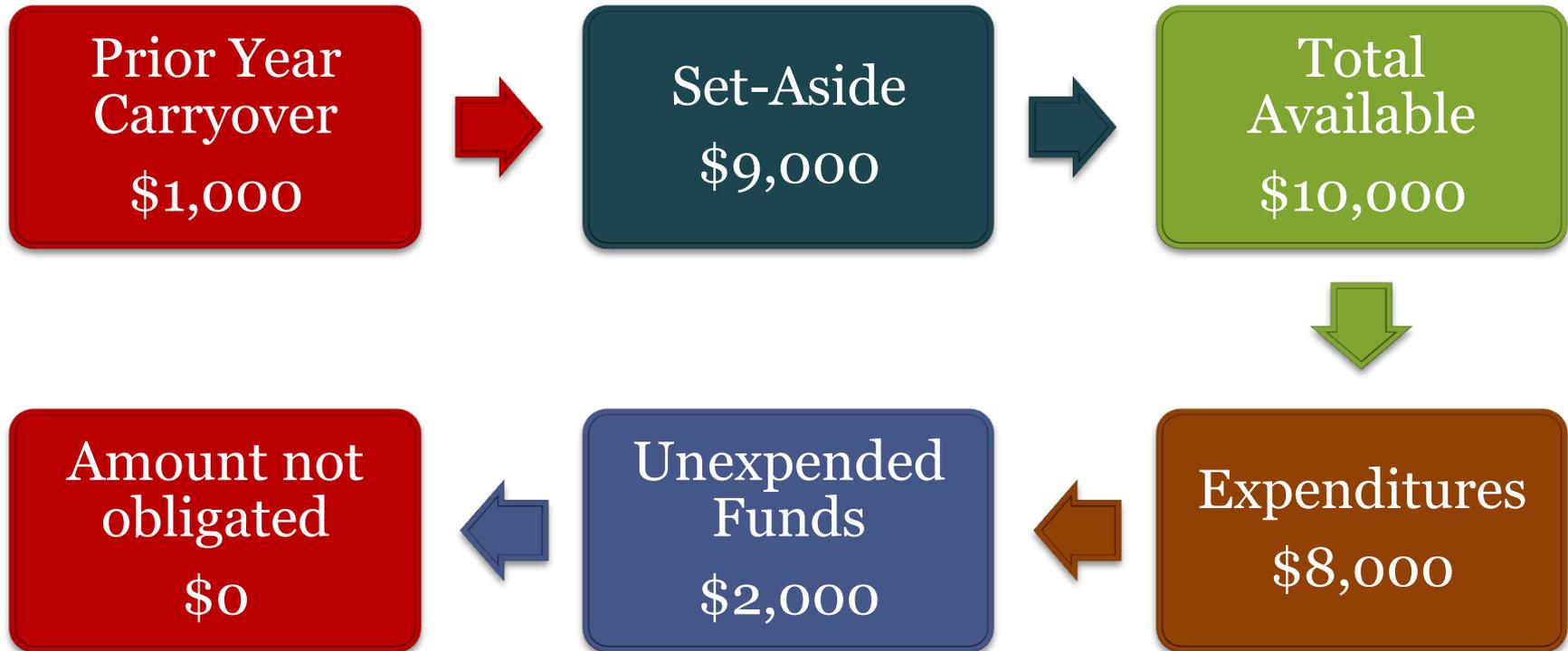
FIRST IN

FIRST OUT

2011-12

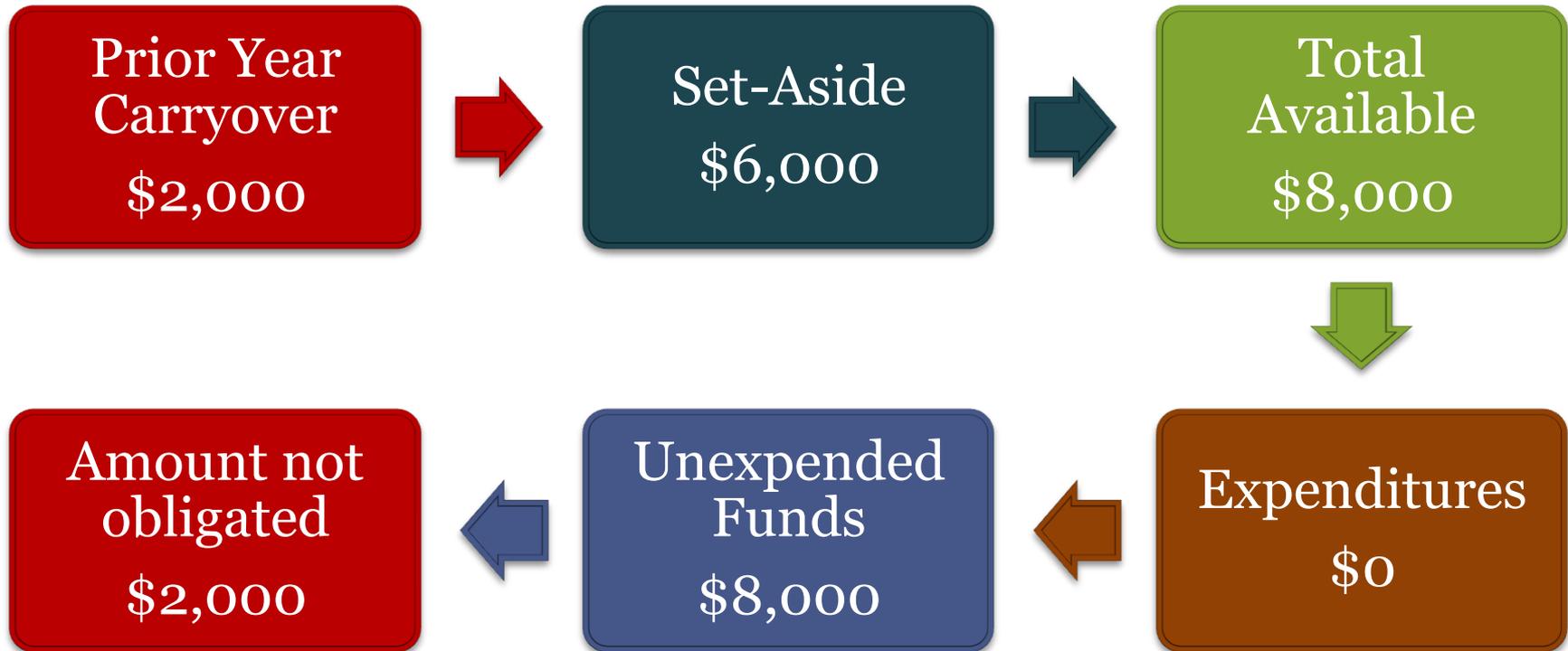
3 private school students as of Oct. 1, 2010

2 private school students receiving services as of Oct. 1, 2011



2012-13

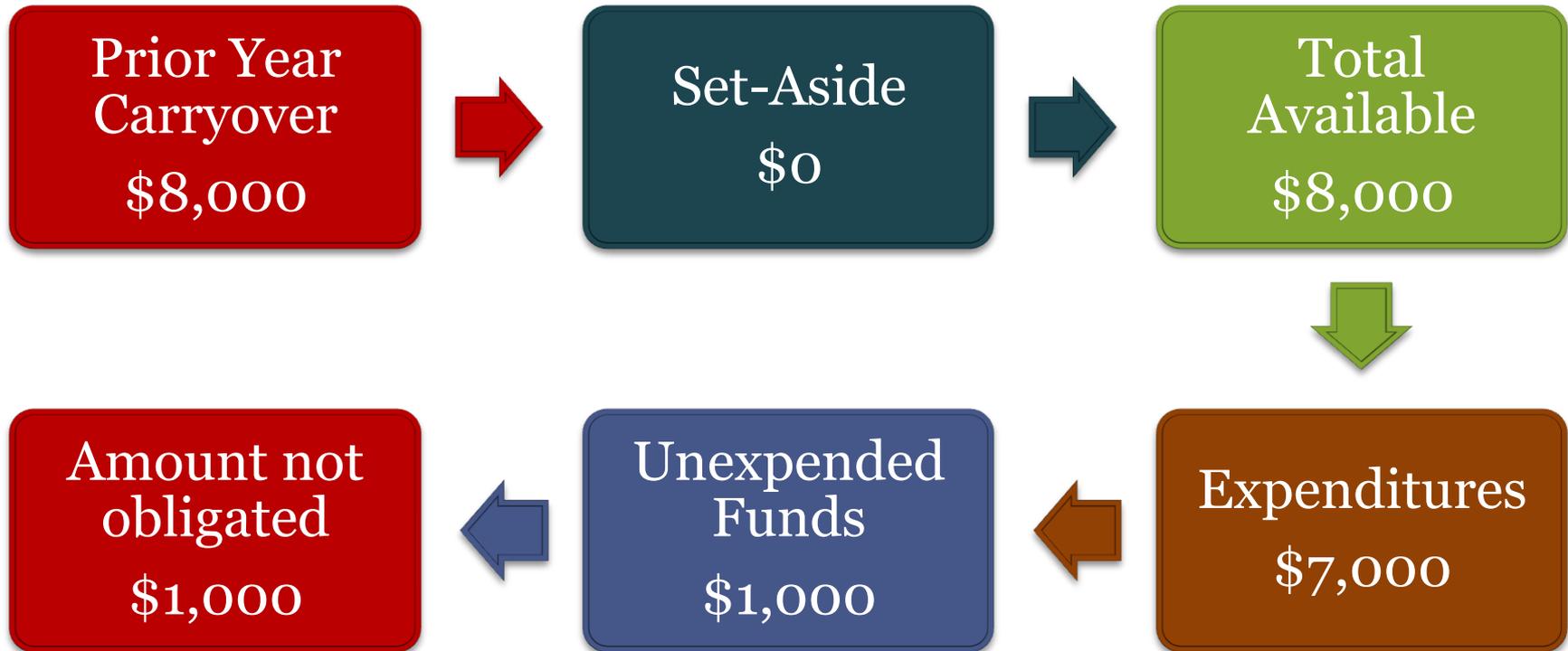
2 private school students as of Oct. 1, 2011
0 private school students as of Oct. 1, 2012



2013-14

0 private school students as of Oct. 1, 2013

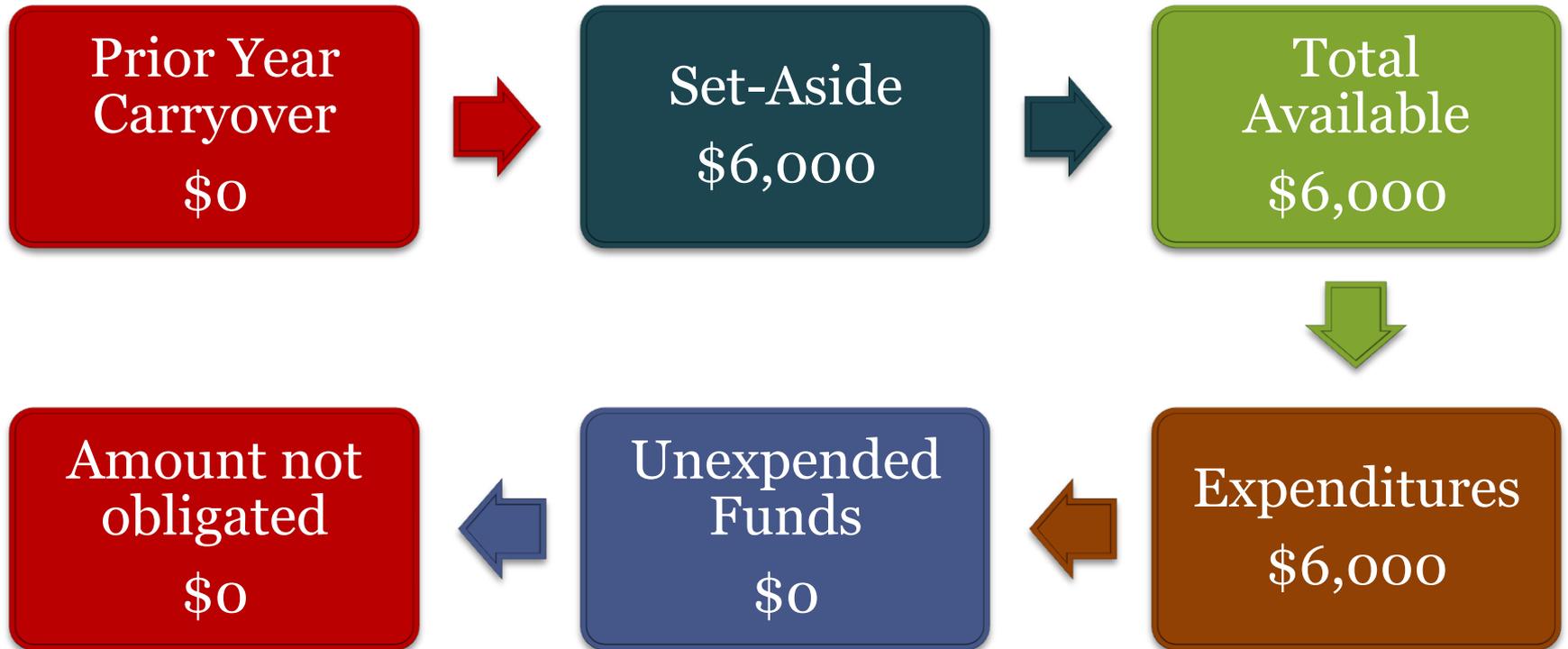
2 private school students receiving services as of Oct. 1, 2014



2014-15

2 private school students as of Oct. 1, 2014

4 private school students receiving services as of Oct. 1, 2014



Eligible Expenditures

17

- **Direct Student Services (Required)**
 - Costs of providing special education and related services, including transportation to these services
 - ✦ Speech & Language
 - ✦ Physical Therapy
 - ✦ Deaf and Hard of Hearing

- **Indirect Services (Not Required)**
 - Special Education training for private school personnel
 - Resource / assistive technology library accessible to private schools

Non-Eligible Expenditures

18

- Child find activities
- Special education evaluations
- Administrative Costs (clerical, director)

Expenditures NOT Allowed

19

- Remodeling or repairs of private school facilities
- Paying salaries of private school staff for part of their regular duties
- Response to Intervention (RtI) costs
 - Federal funds cannot be used for the general needs of students enrolled in a private school.
 - ✦ EDGAR § 76.658

No Benefit to the Private Schools

20

- IDEA funds may not be turned over to the private school to use at its discretion
 - Do not send a check to the private school!
 - The LEA must determine the services and pay for them
- Non-disposable items purchased with IDEA funds belong to the LEA, not the private school!
 - Textbooks
 - FM systems
 - iPads

Equitable Services & Time and Effort Reporting

21

Charges to Federal awards must be based on records that accurately reflect the work performed. These records must:

- Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated
- Be incorporated into the official records of the subrecipient
- Document the staff time spent providing equitable services.

Equitable Services & Property Management

22

- Any equipment purchased for the student attending the private school is **OWNED** by the LEA.
 - Know what has been purchased with IDEA funds
 - Know where it is located
 - Know how it is being used
 - Get it back when no longer needed by the student at the private school

Supplement / Not Supplant

23

- Must use required IDEA funds to provide special education services to parentally placed private school children BEFORE local funds may be used

FY 2014-15 Application Process

24

- Expenditures within the IDEA flow-through or preschool budget
- No separate budget, functions or line items
- Option to contract for direct student services under purchased services
 - Purchased service is identified as “Equitable Services”

WISEGrants Application Process

25

- Collect private school student enrollment numbers for equitable services participation
- Collect private school student information for the “Additional Data” reporting requirement
- Reserve funds for equitable services
- Budget for reserved equitable services amount

WISEGrants Application Process Enrollment Demo

Enrollment Count Date ▲

Select the date on which the enrollment count was performed. Equitable Services Set-Aside amounts are based on a count of students taken during the prior year. After timely and meaningful consultation with representatives of parentally placed private school students with disabilities, the LEA must determine the number of parentally placed private school students with disabilities attending private schools located in the LEA. This count must be conducted between October 1 and December 1, 2013.

Count Date Performed



Total Student with Disabilities Enrollment Data ▲

AGES 3 to 5 - Enter the total number of children eligible for special education, enrolled in the LEA's public schools, ages 3 to 5 as of October 1, 2013

Number of students ages 3 to 5

Enter the total number of children eligible for special education, enrolled in the LEA's public schools, ages 6 to 21 as of October 1, 2013

Number of students ages 6 to 21

WISEGrants Application Process Enrollment Demo

Private School Code	Private School Name	Number of Students Evaluated	Ages 3 to 5, Number of Students with Disabilities	Ages 6 to 21, Number of Students with Disabilities	Number of Students Served
0070	Aquinas Middle School	3	1	4	5
0071	Aquinas Hi	0	0	0	0
0305	Cathedral Sch	1	0	0	0
0329	Chileda	1	0	0	0
0670	First Evang Lutheran Sch	0	5	0	0
1204	Faith Baptist Sch	0	0	0	0
1299	Blessed Sacrament El	1	1	5	0
1466	Providence Academy	0	0	0	0
1570	Immanuel Lutheran Sch	0	0	1	0
1669	Coulee Connections - Alt Ed	1	0	3	3
1674	Partners in Excellence Acad	1	5	0	0
1950	Mount Calvary-Grace Luth Sch	0	0	1	0
		Total : 8	Total : 12	Total : 14	Total : 8

WISEGrants Application Process

Equitable Services “Reservations” Demo

Equitable Services

Calculation	Minimum	Flow-Through Amount	Preschool Amount
$\$1,530,674.00 / 481 = \$3,182.27 * 26 =$	\$82,739.14	\$0.00	
$\$530,674.00 / 181 = \$2,931.90 * 4 =$	\$11,727.60		\$0.00

Accounting for Equitable Services Expenditures

29

- Fund: 27
- Function: Special Education Function
- Project Code: 341 (FT) or 347 (PS)
- Revenue Source: 730
- CFDA: 84.027 (FT) or 84.173 (PS)

Frequently Asked Clarification

30

- Zero Students Last Year – 10 Students This Year
 - What's the set-aside amount?
- 10 Students Last Year – Zero Students This Year
 - What's the set-aside amount?
 - What are we supposed to do with it?
- What about the private school students who are identified after October 1?

Frequently Asked Clarification

31

- What if the private school refuses to participate?
 - Documentation
 - Must still serve students at other private schools
- What is the LEA's responsibility for finding parentally placed private school students?
 - Child find activities similar to those done for the LEA's public school students
- The private schools just want SMART boards. Can we use our equitable services set-aside to purchase them?

Frequently Asked Clarification

32

- Are Residential Care Centers considered private schools?
 - Yes – if they meet the definition of a private school in Wisconsin, they are private schools under the equitable participation provision of IDEA.
 - The Key: Equitable services are provided to *parentally placed* private school students. So although RCCs are private schools, the student has to be placed by a parent to be included in the calculation.

Frequently Asked Clarification

33

- We bill all of our Speech and Language therapists to Medicaid. Do we have to use IDEA funds to provide services to private school students? We're providing the services, we just want to use local funds.
 - Yes – the equitable services set-aside amount under IDEA must be used. To use local funds instead of the IDEA funds would be considered supplanting.

Unusual Situation

34

- For the first time in years, the private school in our district will enroll a student with a disability in Kindergarten this fall. According to the regs, we do not set-aside funds for FY 2015 because the count from Oct. 1, 2013, was zero. Are we still required to complete the other equitable services steps, such as consultation with the private schools and developing a services plan?
 - No – If there is no required set-aside amount, then there is no reason to develop a services plan.

Technical Assistance

Equitable Services under IDEA

http://sped.dpi.wi.gov/sped_sbprivschools#equitable

Special Education Team Contacts:

http://sped.dpi.wi.gov/sped_hmstaff

Equitable Services Program Contact

Paul Sherman

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